

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RUTH ANN JOHNSTON,

Plaintiff,

v.

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

No. 3:10-cv-06175-HZ

ORDER

Kathryn Tassinari
Robert Baron
Harder, Wells, Baron & Manning, PC
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Attorneys for Plaintiff

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1 - OPINION & ORDER

David J. Burdett
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Social Security Administration
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Seattle, WA 98104-7075

Attorneys for Defendant

HERNANDEZ, District Judge:

Plaintiff Ruth Ann Johnston brought this action seeking review of the Commissioner's decision to deny her applications for disability insurance benefits (DIB). In an August 9, 2011 Opinion & Order, I reversed the Commissioner's decision and remanded for additional proceedings. On remand, Plaintiff was awarded benefits.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has no objection to the request. I have reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), I find the requested fees reasonable.

I grant the motion [#33] and award Plaintiff's counsel \$13,616.98 in attorney's fees under 42 U.S.C. § 406(b). Previously, I awarded Plaintiff attorney's fees in the amount of \$4,581.73 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. In addition, \$5,912 was paid to Mark Manning, Plaintiff's prior attorney during the administrative proceeding. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and the amount previously awarded to Mark Manning.

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Therefore, the Commissioner is directed to send Plaintiff's attorney the balance of \$3,123.25, less any applicable processing fees as allowed by statute.

IT IS SO ORDERED.

Dated this 29 day of June, 2013.


MARCO A. HERNANDEZ
United States District Judge